

06 JUL 2007



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In re Application of	:	
SAMMUT et al.	:	
Application No.: 10/579,119	:	DECISION
PCT No.: PCT/US2004/037947	:	
Int. Filing Date: 12 November 2004	:	
Priority Date: 12 November 2003	:	
Attorney Docket No.: SAMMUT-10964	:	
For: APPARATUS AND METHOD FOR	:	
CALCULATING AIMING POINT INFORMATION	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 19 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 November 2004, applicants filed international application PCT/US2004/037947, which designated the United States and claimed a priority date of 12 November 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2006.

On 10 May 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 12 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 19 June 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a three-month extension of time, the surcharge under 37 CFR 1.492(h), copies of letters sent to non-signing inventor Dickinson Buell, copies of United States Postal Service Certified Mail Return Receipts, and a copy of the declaration of inventors sent to Mr. Buell.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the petition fee of \$200 has been charged to Deposit Account 08-1290.

Item (2) has not been met. The declaration of inventors sent to Mr. Buell for signing was insufficient. Although there are three joint inventors, the declaration identifies only Mr. Buell as an inventor. Each declaration must list all of the inventors. While multiple declarations, each signed by only one of several joint inventors, may be submitted, each declaration must be complete.

Item (3) has been met.

Item (4) has not been met. Again, the declaration does not list all of the inventors. While there are three joint inventors, only Mr. Sammut and Mr. Chao are listed on the declaration signed by them.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Application No.: 10/579,119

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